IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.5682 OF 2005.

M/s. Volant Textiles Mills Ltd ..Petitioner.

Vs.

The Asstt. Provident Fund Commissioner. ..Respondent.

Mr. V.P. Vaidya, Advocate for the Petitioner.

Mr. Suresh Kumar, Advocate for the Respondent.

CORAM:R.M.S.KHANDEPARKAR,J.

DATED:5TH DECEMBER, 2006.

P.C.:-

1. Heard.

2. Rule. By consent, the Rule is made returnable forthwith.

3. Though the impugned order is sought to be challenged on various grounds, it is not necessary to deal with those points. Undisguisedly, the Appeal filed by the petitioner is pending before the Appellate Authority. Only grievance which needs to be addressed to at this stage, is regarding the quantum of amount required to be deposited by the petitioner with the respondent, during the

pendency of the Appeal. Without going into the rival contentions, suffice to observe that the petitioners are permitted to deposit a sum of Rupees Two Lakhs with the Respondent, within a period of three weeks from today and based on such deposit, the Appellate Authority to decide the Appeal on merits. It is made clear that this Court has not expressed any opinion on any of the points sought to be raised in the matter except allowing the petitioners to contest the proceeding in the Appeal, on the basis of deposit of Rupees Two Lakhs with the Respondent, Rule is made absolute accordingly with no order as to costs.

[R.M.S.KHANDEPARKAR,J]